

Remarks

In response to the non-final Office Action mailed July 19, 2006, the Applicants respectfully requests reconsideration of the rejections and objections and that the case pass to issue in light of the amendments above and the remarks below.

Claims 1-10 and 21-26 were pending in this application. By this paper, dependent claims 6-10 are cancelled, claim 26 is amended, and claims 27-29 are added, such that, claims 1-5 and claims 21-29 are pending. None of these amendments present any new matter.

The Examiner submits claims 1-5 and claim 26 are rejected as being unpatentable under 35 U.S.C. § 103(a) over USPN 6,450,274 to Konno and separately over USPN 6,543,561 to Pels. Claims 6-8 are objected to as being duplicates of dependent claims 6-8.

Claim Objections

Claims 6-10 are objected to as being duplicates of claims 21-25. The Applicants believe this objection is obviated in light of the cancellation of claims 6-10.

Rejection of Claims 1-5 and 26 under 35 U.S.C. § 103(a) over Konno

Claims 1-5 and 26 are patentable under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,450,274 to Konno. This rejection includes independent claims 1 and 26.

Independent Claim 1

Independent claim 1 includes limitations directed towards providing electric motor assist by powering the electric motor/generator with energy from the ultracapacitor and regulating a voltage of the first electrical bus within a predefined voltage range while the electric motor provides the electric motor traction assist. The Applicants submits the Konno patent fails to disclose these limitations in so far as the Konno patent fails to teach concurrently regulating an accessory load bus voltage during electric traction assist.

The Examiner agrees with the Applicants with respect to the foregoing deficiencies of the Konno patent. The Examiner confirms this understanding in his Response to Arguments where the Examiner states the Konno patent fails to provide “a clear and explicit teaching of concurrent regulation of the first (accessory load) bus concurrently with the supply of electric energy to an assist motor.” (see page 4 of the Office Action mailed July 19, 2006) The Examiner, however, goes on to state that “regulation devices associated with even very common power supplies are continuously active if the power supply is running, even when no load is being drawing from the supply.” (See page 5 of the Office Action mailed July 19, 2006)

The Applicants respectfully disagrees with the Examiner’s logic. The Examiner is unclear with respect to the so called “regulating devices” that are active when the power supply of the first (accessory load) bus is running. As noted by the Applicants in the previous reply, the mere fact that prior art may be modified to provide similar regulating is insufficient to teach such modification, unless the art provides some reason to do so. The art clearly fails to provide such motivation

Moreover, the inherent regulation referred to by the Examiner is not the same type of regulating recited in claim 1. Claim 1 requires regulating a voltage of the bus within a predefined voltage range. The Konno patent fails to teach any sort of voltage range regulation and does not inherently disclose the same. In the Konno patent, the voltage clearly drops when the battery is running in continues to drop until it is recharged. The dropping

voltage may broadly considered as regulating but it cannot be considered to be the same as the claimed voltage regulation, which regulates the voltage within a range.

The Applicants respectfully submits independent claim 1 and dependent claims 2-5 as patentable and nonobvious over the Konno patent for the reasons stated above.

Independent Claim 26

In accordance with suggestions provided by the Examiner with respect to clarifying the meaning of 'regulating,' the Applicants have amended claim 26 to include discharging of the battery. (See page 5 of the Office Action mailed July 19, 2006) It is believed, based the Examiner's suggestions, that this amendment obviates the rejection to claim 26.

Rejection of Claims 1-5 and 26 under 35 U.S.C. § 103(a) over Pels

Claims 1-5 and 26 are patentable under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,543,561 to Pels. This rejection includes independent claims 1 and 26.

Independent Claim 1

Independent claim 1 includes limitations directed towards providing electric motor assist by powering the electric motor/generator with energy from the ultracapacitor and regulating a voltage of the first electrical bus within a predefined voltage range while the electric motor provides the electric motor traction assist. The Applicants submits the Pels patent fails to disclose these limitations in so far as the Pels patent fails to teach concurrently regulating an accessory load bus voltage during electric traction assist.

The Examiner agrees with the Applicants with respect to the foregoing deficiencies of the Pels patent. The Examiner confirms this understanding in his Response to Arguments where the Examiner states the Pels patent fails to provide “a clear and explicit teaching of concurrent regulation of the first (accessory load) bus concurrently with the supply of electric energy to an assist motor.” (see page 4 of the Office Action mailed July 19, 2006) The Examiner, however, goes on to state that “regulation devices associated with even very common power supplies are continuously active if the power supply is running, even when no load is being drawing from the supply.” (See page 5 of the Office Action mailed July 19, 2006)

In view of the arguments made with respect to the Konno patent, which are hereby incorporated in their entirety, the Applicants respectfully submits independent claim1 and dependent claims 2-5 as patentable and nonobvious over the Pels patent.

Independent Claim 26

In accordance with suggestions provided by the Examiner with respect to clarifying the meaning of ‘regulating,’ the Applicants have amended claim 26 to include discharging of the battery. (See page 5 of the Office Action mailed July 19, 2006) It is believed, based the Examiner’s suggestions, that this amendment obviates the rejection to claim 26.

Conclusion

In view of the foregoing, the Applicants respectfully submits each rejection has been fully replied to and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of this case to issue. No fees are believed to be due in connection

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with this paper, however, authorization is provided to charge any required fees to Deposit Account No. 61,510.

Respectfully submitted,

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